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1 2 3 4 5 6	Grant A. Carlson, Esq SBN 155933 Friedman, Enriquez & Carlson, LLP 433 North Camden Drive, Suite 965 Beverly Hills, California 90210 Telephone: (310) 273-0777 Fax: (310) 273-1115 Attorneys for Defendants Nth Connect Telecom, Inc. and Steven Chen			
7	A DATE DO COLOTA	NG DIGEDICE COLUDE		
8	UNITED STATES DISTRICT COURT			
9	CALIFORNIA NORTHERN DISTRICT (SAN JOSE)			
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11	VLADIMIR A. BALAREZO, individually and on behalf of others similarly situated) Case No. C 07 05243 JF (PVT)		
12) NOTICE OF MOTION AND MOTION Plaintiff,) APPEAR TELEPHONICALLY	N TO A T		
13	VS.) HEARING ON MOTION TO COM DECLARATION OF GRANT A. CARI	IPEL;	
14	NTH CONNECT TELECOM INC., and) IN SUPPORT THEREOF	25011	
15	STEVEN CHEN,			
16	Defendants.			
17)		
18				
19	TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:			
20	PLEASE TAKE NOTICE THAT: Defendants Nth Connect Telecom Inc. and Steven Chen			
21	hereby move this Court for permission to appear telephonically at the hearing on plaintiffs' Motion			
22	to Compel Production of Documents, which is set for hearing on Tuesday, July 1, 2008 at 10:00			
23	a.m., before the Honorable Patricia V. Trumbull in Courtroom 5 of the above entitled court.			
24	This motion is made pursuant to Local Rule 7-11, which provides the basis for motions for			
25	administrative relief, and on Federal Rules of Civil Procedure, Rule 1. The grounds for this motion			
26	are that the defendants believe the briefs submitted in support and in opposition to the motion to			
27	compel fully brief the issues, and appearing personally in Northern California at the hearing on this			
28	motion will impose an unnecessary expense of	n defendants. Plaintiffs' counsel has no object	ion to	
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1	the requested relief.
2	This motion is based upon this notice of motion, the attached memorandum of points and
3	authorities and declaration of Grant A. Carlson.
4	Dated: June 23, 2008
5	Friedman, Enriquez & Carlson, LLP
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7	By: /s/
8	Grant A. Carlson, Esq. Attorneys for Defendants
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MEMORANDUM OF POINTS AND AUTHORITIES

Defendants Nth Connect Telecom Inc. and Steven Chen hereby seek consent from the Court to appear telephonically at the hearing on plaintiffs' motion to compel defendants to produce documents, which is set for hearing on Tuesday, July 1, 2008

This request is made pursuant to the Northern District's Civil Local Rule 7-11, which provides the procedures for making a motion for administrative relief, and also on Federal Rules of Civil Procedure, Rule 1, which encourages the "just, speedy and inexpensive determination of every action and proceeding."

Good cause exists to permit counsel for defendants to appear telephonically, as the motion has been fully briefed,¹ and any questions the Court may have can be addresses telephonically. (Carlson Decl., ¶ 4.) A personal appearance will cause defendants the expense of air travel, as defendants' counsel is located in Southern California. (Carlson Decl., ¶ 4.)

Plaintiffs' counsel has no objection to counsel for defendants appearing telephonically at the hearing. (Carlson Decl., \P 5.)

For all the above reasons and those set forth in the attached declaration of Grant A. Carlson, the defendants respectfully request that this Court permit their counsel to appear telephonically at the July 1, 2008 hearing on plaintiff's motion to compel.

Dated: June 23, 2008

Friedman, Enriquez & Carlson, LLP

By: /s/
Grant A. Carlson, Esq.
Attorneys for Defendants

¹ Defendants have already filed an opposition, and plan to file a short sur-reply on Tuesday, June 24th to address new authority cited by plaintiffs in their reply.

DECLARATION OF GRANT A. CARLSON

I, Grant A. Carlson, declare under penalty of perjury the foregoing is true and correct.

- 1. I am an attorney for the law firm of Friedman, Enriquez & Carlson, LLP, attorneys of record for defendants Nth Connect Telecom Inc. and Steven Chen. I am licensed to practice in the State of California. This declaration is based on personal knowledge.
- 2. I make this declaration in support of the motion of Defendants Nth Connect Telecom Inc. and Steven Chen to appear telephonically at the hearing on plaintiffs' motion to compel, which is set for July 1, 2008 at 10:00 a.m. before the Honorable Patricia V. Trumbull.
- 3. This request is made pursuant to the Northern District's Civil Local Rule 7.11 and Federal Rules of Civil Procedure, Rule 1.
- 4. Good cause exists for the continuance, because (1) the motion at issue has been fully briefed, (2) there are no evidentiary issues for the hearing, (3) counsel will be able to present the same arguments by phone as in person, and (4) a telephonic appearance will help avoid air travel and related expenses.
- 5. Plaintiff has no objection to the requested relief. On June 23, 2008, before we filed this motion, my associate, Dana Butler, sent plaintiffs' counsel an email asking if they objected to defendants' counsel appearing telephonically, and they had none. A true and correct copy of the email exchange is attached hereto as Exhibit "A."

I declare under penalty of perjury under the laws of the State of California and the Federal Government that the foregoing is true and correct.

Dated: June 23, 2008

/s/ Grant A. Carlson